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August 1, 2003

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Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

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By Electronic Submission

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
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Washington, D.C. 20554

David Solomon  
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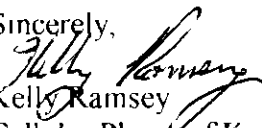
Re: E911 Interim Report for Tier III Carriers  
CC Docket No. 94-102  
Cellular Phone of Kentucky, Inc.

Dear Ms. Dortch:

Pursuant to the Commission's *Order to Stay*, in the above referenced docket,<sup>1</sup> Cellular Phone of Kentucky, Inc. ("CPK") hereby submits its E911 Interim Report for Tier III carriers. This Report provides the Commission with the current status of CPK's E911 efforts and its progress towards compliance with the Commission's E911 Phase II benchmarks.

Please contact the undersigned if you should have any questions regarding this Report.

Sincerely,

  
Kelly Ramsey  
Cellular Phone of Kentucky, Inc.  
(606) 878-6000

<sup>1</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers, CC Docket No. 94-102, *Order to Stay*, FCC 02-210, 17 FCC Rcd 14,841 (2002).

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## **INTERIM REPORT FOR TIER III CARRIERS**

### **CELLULAR PHONE OF KENTUCKY, INC.**

Cellular Phone of Kentucky, Inc. ("CPK") hereby provides the Commission with its E911 Interim Report ("Report") for Tier III carriers. As a Tier III carrier, CPK is submitting this one-time Report in order to provide the Commission with the current status of its E911 efforts and its progress towards compliance with the Commission's Phase II benchmarks. CPK is the cellular licensee on the B1 portion of the Block B frequencies in the Kentucky 6 - Madison RSA (call sign KNKN965). In preparing the instant Report, CPK has followed the guidelines provided by the Commission in its June 30, 2003 Public Notice.<sup>1</sup>

CPK understands the importance of E911 and its obligation as a licensee to assist in ensuring that E911 connectivity for Phase I and Phase II service is properly implemented. CPK is using the services of Telecommunications Service Incorporated ("TSI") to assist it with its E911 implementation. TSI is a third party vendor with years of experience in assisting wireless carriers, such as CPK, in their E911 implementation efforts by providing both project management and implementation services. TSI has played a key role in CPK's E911 implementation process, coordinating the implementation process and assisting CPK with technical problems as they arose. TSI, with the participation of the relevant Public Switched Safety Points ("PSAPs") and Local Exchange Carriers ("LECs"), developed an implementation process by which each party was assigned implementation tasks with mutually agreed upon deadlines. To ensure that the parties were all involved and kept current, TSI hosts bi-weekly conference calls with all the parties to discuss developments and gauge progress.

#### **The number of Phase I and Phase II requests from PSAPs (including those the carrier may consider invalid):**

CPK has received three (3) Phase I requests from PSAPS throughout the KY-6 RSA. CPK has not received any Phase II requests from any PSAPs in the State of Kentucky. The three Phase I requests were dated as follows: London-Laurel PSAP – November 16, 2000; Kentucky State Police ("KSP") Post #11 covering Clay and Rockcastle counties – May 5, 2000,<sup>2</sup> and, Pulaski County PSAP – September 30, 2002. These requests, however, did not reach the appropriate personnel over at CPK as the letters were sent to incorrect addresses. Indeed, upon learning that the Phase I letters existed, CPK immediately went to the PSAPs to explain the situation and request copies of the Phase I service requests. Accordingly, CPK received the requests as follows: London-Laurel PSAP – November 2002, KSP Post #11 – November 13, 2002; and Pulaski County PSAP – February 13, 2003.

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<sup>1</sup> See Public Notice, Wireless Telecommunications Bureau Provides Further Guidance On Interim Report Filings by Small Sized Carriers, DA 03-2113, rel. June 30, 2003.

<sup>2</sup> The KSP sent one generic request to all carriers on May 5, 2000.

Prior to CPK being aware of these requests, however, TSI and CPK were already working with the counties in CPK's service area to ensure timely and reliable E911 Phase I service. TSI and the PSAPs conducted regularly scheduled meetings to discuss implementation milestones and the work that needed to be done to achieve these milestones. Specifically, TSI sent out surveys and information requests to the PSAPs and the LECs in order to ascertain the various elements and components of E911 Phase I that CPK would need to implement. This information was deemed essential for CPK to begin implementation efforts and to establish the requisite implementation schedule.

Originally, TSI had requested that the PSAPs return their surveys to TSI by December 18, 2002. Pulaski County, however, did not provide TSI with the requisite survey until February 13, 2003. Moreover, TSI requested that the PSAPs return their updated Master Street Address Guides ("MSAG") by February 2003. The MSAG is a critical document as it provides information regarding where emergency rescue efforts should be sent. None of the PSAPs met this MSAG deadline. All three PSAPs untimely responded in mid-April with their MSAG updates. Delays by the PSAPs in returning the requested information have contributed in a significant manner to the delays associated with CPK's ability to provide E911 Phase I service because without this most basic information, such as the number of trunks from the selective router to the PSAP or the location of the ALI database, CPK was unable to proceed with implementation.

Additionally, delays in CPK's ability to respond to the Phase I requests it has received stem from delays resulting from negotiating interconnection agreements with BellSouth which serves several areas in the Kentucky 6 RSA including Rockcastle County. CPK has been a BellSouth customer since 1994. Despite this long relationship, BellSouth informed CPK it could not let CPK order the necessary ISUP lines for Phase I service until CPK entered into a new interconnection agreement with BellSouth. While this may seem a simple task, that has not been LCC's experience. LCC's personnel report that they have encountered numerous delays because they are unable to find an individual tasked with assisting on these matters.

As a result, it has taken CPK over four months to negotiate a new interconnection agreement with BellSouth. Without such an agreement CPK cannot proceed with its Phase I implementation. Fortunately, it now appears that an Agreement is within sight. Based on oral representations by BellSouth personnel, CPK believes the agreement could be signed within the next week. However, LCC has been told informally that in the past BellSouth's signature processes for interconnection agreements have taken up to 30-days. Upon completion of the interconnection agreement, CPK will be able to order the necessary ISUP trunking lines which will enable it to meet any Phase I E911 service request. All three PSAPs have been kept up to date of the status of CPK's efforts through TSI's bi-weekly conference calls. The PSAPs are comfortable with the progress made by CPK and have continued to provide CPK with the needed flexibility to meet their Phase I requests.<sup>3</sup> Once the new lines are ordered and arrive, CPK will vigorously work with the

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<sup>3</sup> 47 C.F.R. § 20.18(j)(5). See also, *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, *Petition of City of Richardson, Texas*, CC Docket No. 94-102, *Order on Reconsideration*, 17 FCC Rcd 24282, 24282 (2002).

LECs to ensure rapid implementation of the lines and thus work towards the provision of Phase I service. In anticipation that all continues to go well, CPK believes that it will be ready to go to live users before the end of the year.

CPK has been successful in negotiating an interconnection agreement with ALLTEL, the other LEC serving portions of the Kentucky 6 RSA. Unfortunately, CPK has encountered difficulty with its orders for the ISUP lines. For reasons that remain unclear to both ALLTEL and CPK, CPK's orders have been rejected. Both carriers are working cooperatively to resolve this situation and CPK anticipates that it will be resolved within the next two weeks. Once it is resolved, implementation can proceed in those counties in which ALLTEL has the requisite LEC facilities.

**The carrier's specific technology choice (*i.e.*, network-based or handset-based solutions, as well as the type of technology used):**

As previously reported to the Commission, CPK will be utilizing a handset-based location technology solution for Phase II E911. CPK has begun implementing this choice by ordering the requisite ALI-capable handsets. CPK will begin selling these handsets by the September 1, 2003 deadline if not sooner. The problems experienced by CPK in ordering and obtaining these phones is two-fold. First is the supply-demand problem – there is too much demand for the ALI-capable handsets but still not enough supply to meet this demand. Particularly, as a Tier III carrier, there is even a more limited supply of ALI-capable handsets available for CPK to order. Manufacturers fill the orders of the larger carriers before turning to the mid-sized and smaller carriers. In some instances, these larger carriers can account for the majority of the handset supply available from a particular manufacturer. Thus, Tier III carriers can be left to scrounge for the ALI-capable cellular handsets they need. Complicating matters is the fact that given CPK's relative size and the limited amount of handsets it requires, CPK cannot even work directly with the manufacturers to order the handsets and must go through third party vendors.

The second problem is the current cost of ALI-capable handsets. At present, ALI-capable handsets will cost CPK \$100 more per phone than similarly configured non-ALI capable handsets currently offered by CPK to its customers. Currently, CPK has not perceived demand by its customers for such an equipped phone, as Phase II service is not being provided in CPK's service area. Thus in order to entice its customers to purchase the phone, CPK will need to subsidize the costs of the phones, an expense that, in addition to the other E911 related costs, will disproportionately impact a small carrier such as CPK.

**Status on ordering and/or installing necessary network equipment:**

As CPK has not received any requests for Phase II E911 service, it has not begun to order the network equipment that will be needed to implement Phase II E911 service. As outlined above, CPK is working towards completion of its interconnection agreements with the BellSouth and, upon completion of these agreements, will be close to

successfully implementing Phase I E911 service throughout CPK's service area. CPK anticipates completing this implementation by the end of the year. TSI and CPK will turn to implementation of E911 Phase II service upon completion of Phase I service. CPK will begin working on its Phase II E911 implementation with TSI despite there being no E911 Phase II service request from any of the PSAPs covering its area.

As with all issues faced by Tier III carriers, the only problems CPK currently anticipates in ordering and installing the necessary equipment, is one of supply. Because there is such a large demand for the necessary equipment to become Phase II compliant, small Tier III carriers such as CPK are forced to wait until there is enough supply for it to receive the needed equipment.

**If the carrier is pursuing a handset-based solution, the Report must also include information on whether ALI-capable handsets are now available, and whether the carrier has obtained ALI-capable handsets or has agreements in place to obtain these handsets:**

As noted above, CPK is pursuing a handset-based solution for its TDMA system. While such handsets may be available to large carriers, they are only available on a very limited basis to Tier III carriers such as CPK. Given the fast-approaching September 1, 2003 deadline for selling ALI-capable handsets, many carriers have similarly requested a supply of ALI-capable handsets. From CPK's discussions with its third party vendors, supply is straining to meet the demand. Thus, by the time the orders of the smaller carriers are ready to be filled, there may not be sufficient TDMA ALI-capable phones to completely meet the needs of the Tier III carriers. CPK is currently finalizing agreements to acquire TDMA ALI-capable handsets in time to meet the first benchmark of September 1, 2003.

CPK does perceive a problem in marketing ALI-capable handsets to its customers because there is currently no perceived benefit to the subscriber to purchase a phone with capabilities it cannot currently utilize. Phase II E911 service has not been requested by the PSAPs in CPK's service area and as such the ALI-capable phones will not be capable of being used to their full potential. CPK believes it will be hard to market the benefits of an ALI-capable phone if those benefits cannot be utilized by customers. If the prices of ALI capable handsets do not fall quickly, CPK will be in the untenable position of diverting capital earmarked for new cells and maintenance to underwrite the purchase of Phase II capable handsets which will not, for the foreseeable future, have their Phase II E911 capabilities used.

**The estimated date on which Phase II service will first be available in the carrier's network:**

Without a valid PSAP request for E911 Phase II service, it is difficult for CPK to estimate when such service will be available. Should a PSAP request such service in the near future, however, CPK believes that it will be capable of responding to such a request within the FCC allocated six-month period.

**Information on whether the carrier is on schedule to meet the ultimate implementation date of December 31, 2005.**

CPK believes that the 95% penetration rate for ALI-capable phones by the December 31, 2005 deadline is achievable if adequate handsets can be obtained and economic issues can be overcome. However, a shortfall of ALI-capable handsets or the possible economic impact of the costs associated with obtaining the number of phones needed to meet the December 31, 2005 benchmark could stymie CPK's best efforts to meet the benchmark dates. CPK will provide the Commission with additional updates if any hurdles appear which could endanger its ability to meet the benchmark deadlines.

# DECLARATION OF KELLY RAMSEY

I, Kelly Ramsey, am an officer of Cellular Phone of Kentucky, Inc., and I hereby certify that, to the best of my knowledge and belief, the information contained on this form and the attached document is complete and accurate

Signed

Kelly Ramsey

Date

7-31-03